S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1462, supra.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1572

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1572, a bill to amend title XIX of the Social Security Act to clarify the application of the 100 percent Federal medical assistance percentage under the medicaid program for services provided by the Indian Health Service or an Indian tribe or tribal organization directly or through referral, contract, or other arrangement.

S. 1622

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1622, a bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

S. 1630

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1630, a bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System.

At the request of Mr. OBAMA, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. CORZINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1630, supra.

S. 1638

At the request of Mr. OBAMA, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1646

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1646, a bill to provide for the care of veterans affected by Hurricane Katrina.

S. 1647

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1647, a bill to amend title 11, United States Code, to provide relief to victims of Hurricane Katrina and other natural disasters.

S.J. RES. 23

At the request of Mr. COBURN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S.J. Res. 23, a joint resolution supporting the goals and ideals of Gold Star Mothers Day.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

AMENDMENT NO. 1652

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 1652 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1654

At the request of Mr. DAYTON, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1660

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. OBAMA), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1660 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1679. A bill to amend part E of title IV of the Social Security Act to strengthen courts for at-risk children, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Mr. President, I rise today to introduce a bill with my colleague, Senator ROCKEFELLER, which would impact the lives of many at-risk children living in foster care. This bill is called WE CARE Kids: Working to Enhance Courts for At-risk and Endangered Kids Act of 2005.

How well a child welfare system functions is often related to how well the accompanying court system functions. The important role of the courts was noted last year when the Pew Commission on Children in Foster Care released their recommendations to overhaul the Nation's foster care system. As observed by the Pew Commission, it is the courts that decide whether a child has been abused or neglected and whether that child should be placed in the foster care system. It is the courts that oversee whether the parents are making progress on their case plan and enforce the timelines for permanency. It is the courts that decide whether a parent's rights should be terminated or whether a family should be reunified. These judges are making tough, life-changing decisions for all parties involved.

To strengthen the courts making these life-altering decisions, the Pew Commission recommended: 1. The adoption of court performance measures by every dependency court; 2. incentives and requirements for effect collaboration between courts and child welfare agencies; 3. a strong voice in court for parents and children, as well as effective and well-trained representation by attorneys and volunteer advocates; and 4. leadership from chief justices and other State court leaders to organize their systems to better serve the needs of children, train judges, and promote effective standards for courts, judges and attorneys.

The legislation that Senator ROCKEFELLER and I are introducing today incorporates many of the recommendations of the Pew Commission. Among other provisions, the legislation provides $10 million for grants for training of judges and court personnel, of which a significant portion must be used for joint training between courts and child welfare agencies. It also provides $10 million for grants to the highest State court for the development and implementation of outcome measures related to safety, permanency, due process, and timeliness of court proceedings. The bill requires States to

develop standards of practice for attorneys appearing in child abuse and neglect proceedings, as well as provides loan forgiveness for attorneys who practice in family, domestic, and juvenile courts and for social workers who work within the child welfare system. The bill increases funding for the expansion of the Court Appointed Special Advocate program, and it includes a provision that would ease the placement of children in foster care from one State to another, for the purposes of speeding adoptions out of the foster care system.

Let me conclude by saying that when Congress passed the Adoption and Safe Families Act, I believed it was a good start. Congress, however, would have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients is an efficiently operating court system—a system that puts the principles embodied in the law into practice. Our bill would help the court system do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

TITLE I—COLLABORATION AMONG STATE IV–B AND IV–E AGENCY AND COURTS

SEC. 101. COLLABORATION ON CHILD AND FAMILY SERVICES PLANS, CHILD AND FAMILY SERVICE REVIEWS, PROGRAM IMPROVEMENT PLANS, AND COURT IMPROVEMENT PROGRAM PLANS.

(a) IV–B STATE PLANS REQUIREMENT.—

(1) STATE PLANS FOR CHILD WELFARE SERVICES.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(A) in paragraph (13), by striking ''and'' at the end;

(B) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(15) provide that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this subpart shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this subpart, the State plan under subpart 2, the State plan under part E, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

''(A) meeting regularly to review policies and procedures;

''(B) sharing data and information;

''(C) providing joint training; and

''(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part E of this title.''.

(2) FAMILY PRESERVATION AND SUPPORT SERVICES PLANS.—Section 432(a) of the Social Security Act (42 U.S.C. 629b(a)) is amended—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end, the following:

''(10) provides that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this subpart shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this subpart, the State plan under subpart 1, the State plan under part E, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

''(A) meeting regularly to review policies and procedures;

''(B) sharing data and information;

''(C) providing joint training; and

''(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part E of this title.''.

(b) IV–E STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (23)(B), by striking ''and'' at the end;

(2) in paragraph (24), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(25) provides that, not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the State agency responsible for administering the State plan under this part shall demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the State plan under this part, the State plan under subpart 1 of part B, the State plan under subpart 2 of part B, child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and assessments and implementation of improvements required under section 438, through means such as—

''(A) meeting regularly to review policies and procedures;

''(B) sharing data and information;

''(C) providing joint training; and

''(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under this part and part B of this title.''.

(c) CHILD AND FAMILY SERVICES PROGRAMS REVIEW REQUIREMENT.—Section 1123A of the Social Security Act (42 U.S.C. 1320a–2a) is amended by adding at the end the following:

''(d) DEMONSTRATION OF COLLABORATION.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the regulations referred to in subsection (a) shall require the

State agency responsible for administering the programs authorized under subpart 1 of part B of title IV, subpart 2 of part B of title IV, and part E of title IV to demonstrate to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State agency, State court leaders and abuse and neglect courts located in the State, and Indian tribes and tribal organizations located in the State, with respect to the child and family services reviews required under this section (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under this section), the State plan under subpart 1 of part B of title IV, the State plan under subpart 2 of part B of title IV, the State plan under part E of title IV, and assessments and implementation of improvements required under section 438, through means such as—

''(A) meeting regularly to review policies and procedures;

''(B) sharing data and information;

''(C) providing joint training; and

''(D) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under parts B and E of title IV.

''(2) DEFINITIONS.—In this subsection:

''(A) ABUSE AND NEGLECT COURTS.—The term 'abuse and neglect courts' has the meaning given that term in section 475(8).

''(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

''(C) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*).''.

(d) COURT IMPROVEMENT PROGRAM REQUIREMENT.—Section 438 of the Social Security Act (42 U.S.C. 629h) is amended by adding at the end the following:

''(e) DEMONSTRATION OF COLLABORATION.—Beginning on the date that is 3 years after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, the highest State court in a State shall not be eligible for a grant under this section with respect to any fiscal year beginning on or after such date (or to continue to receive funding under a grant awarded under this section prior to such date), unless the court demonstrates to the Secretary evidence of substantial, ongoing, and meaningful collaboration among the State court leaders and abuse and neglect courts located in the State, the State agency responsible for administering the State plans under this subpart, subpart 1, and part E, and Indian tribes and tribal organizations located in the State with respect to the development and conduct of the assessments required under this section, the implementation of the improvements deemed necessary as a result of such assessments, the child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section), and the State plans under subpart 1 of part B of title IV, subpart 2 of part B of title IV, and part E of title IV. Demonstration of such collaboration may be made through means such as—

''(1) meeting regularly to review policies and procedures;

''(2) sharing data and information;

''(3) providing joint training; and

''(4) engaging in other ongoing efforts for improved decisions and outcomes for children receiving assistance or services funded under the programs authorized under parts B and E of title IV.''.

(d) DEFINITIONS OF ABUSE AND NEGLECT COURT; INDIAN TRIBE; TRIBAL ORGANIZATION.—

(1) IN GENERAL.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

''(8) The term 'abuse and neglect courts' means the State, local, and tribal courts that carry out State, local, or tribal laws requiring proceedings (conducted by or under the supervision of the courts)—

''(A) that implement part B or part E of this title (including preliminary disposition of such proceedings);

''(B) that determine whether a child was abused or neglected;

''(C) that determine the advisability or appropriateness of foster care placement; or

''(D) that determine any other legal disposition of a child in the abuse and neglect court system.

''(9) The term 'Indian tribe' has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

''(10) The term 'tribal organization' has the meaning given that term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 428(c) of the Social Security Act (42 U.S.C. 628) is amended by striking ''by subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), respectively'' and inserting ''in paragraphs (9) and (10), respectively, of section 475''.

(B) Section 431(a) of the Social Security Act (42 U.S.C. 629a(a)(6)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given that term in section 475(10).

''(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 475(9).''.

SEC. 102. MULTIDISCIPLINARY, BROAD-BASED STATE CHILD WELFARE COMMISSIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1123A, the following:

''MULTIDISCIPLINARY, BROAD-BASED STATE CHILD WELFARE COMMISSIONS

''SEC. 1123B. (a) IN GENERAL.—Not later than 1 year after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, each State administering a program established under part B or E of title IV, shall establish a permanent, multidisciplinary, broad-based commission on State child welfare programs for the purposes of—

''(1) ensuring ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services; and

''(2) furthering the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met.

''(b) CO-CHAIRS.—The co-chairs of the Commission shall be the Chief Justice for the State or his or her designee and the head of the State agency responsible for administering the State child welfare programs or his or her designee.

''(c) COMPOSITION.—The Commission shall include representatives of—

''(1) State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services;

''(2) schools;

''(3) health care agencies or providers;

''(4) mental health agencies or providers;

''(5) child care agencies or providers;

''(6) abuse and neglect courts;

''(7) the legal and law enforcement communities;

''(8) consumers of child welfare services, to include parents, current or former foster youth, and child advocates; and

''(9) such other organizations, entities, or individuals as the co-chairs of the Commission determine to be appropriate.

''(d) DUTIES.—The Commission shall—

''(1) monitor and report to the Secretary and the public on the extent to which the State child welfare programs and abuse and neglect courts are responsive to the needs of children in their care;

''(2) develop and submit a report to the Secretary and the public on plans to establish ongoing collaboration among State, local, and tribal agencies and other community organizations that serve children who have been abused or neglected, are in foster care, or are receiving child welfare services, which shall include recommendations for the appropriate use of aggregate data and information sharing to improve outcomes for such children;

''(3) provide ongoing continuity for the collaboration procedures established in accordance with such plan;

''(4) broaden public awareness of, and support for, meeting the needs of vulnerable children and families, including the need for sufficient mental health, health care, education, child care, and other services; and

''(5) perform such other tasks as the co-chairs of the Commission determines to be appropriate.

''(e) DEFINITIONS.—In this section:

''(1) ABUSE AND NEGLECT COURTS.—The term 'abuse and neglect courts' has the meaning given that term in section 475(8).

''(2) COMMISSION.—The term 'Commission' means the commission required to be established under subsection (a).

''(3) STATE CHILD WELFARE PROGRAMS.—The term 'State child welfare programs' means the programs authorized under parts B and E of title IV.

''(4) TRIBAL AGENCIES.—The term 'tribal agencies' means an agency of an Indian tribe (as defined in section 475(9)).''.

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 101(b), is amended—

(1) in paragraph (24), by striking ''and'' at the end;

(2) in paragraph (25), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(26) provides that the State, not later than 1 year after the date of enactment of the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, shall establish the multidisciplinary, broad-based child welfare commission required under section 1123B.''.

SEC. 103. TRAINING FOR ABUSE AND NEGLECT COURT PERSONNEL.

Section 438 of the Social Security Act (42 U.S.C. 629h), as amended by section 101(d), is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) TRAINING FOR ABUSE AND NEGLECT COURT PERSONNEL.—

''(1) AUTHORITY TO AWARD GRANTS.—In addition to any other funds paid to a highest State court under this section for fiscal year

2006 or any fiscal year thereafter, the Secretary shall award grants to highest State courts for the purpose of training judges, court personnel, attorneys, and other legal personnel of abuse and neglect courts on issues relevant to the proceedings conducted by such courts, such as child development and other training needs specific to that court in the State.

''(2) JOINT-TRAINING INITIATIVES.—A highest State court awarded a grant under this subsection for a fiscal year shall ensure that a significant portion of the funds made available under the grant is used for cross-training initiatives that are jointly planned and executed with the State agency responsible for administering the programs authorized under this part and part E of this title, and Indian tribes and tribal organizations located in the State.

''(3) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.''.

SEC. 104. RESERVATION OF FUNDS FOR COLLABORATION SUPPORT.

Sections 436(b) and 437(b) of the Social Security Act (42 U.S.C. 629f(b), 629g(b)) are each amended by adding at the end the following:

''(4) COLLABORATION.—The Secretary shall reserve 2 percent for making grants to support the development and implementation of ongoing and meaningful collaboration among the State court leaders and abuse and neglect courts located in the State, the State agency responsible for administering the State plans under this subpart, subpart 1, and part E, and Indian tribes and tribal organizations located in the State with respect to the State plans under this subpart, subpart 1, and part E, the development and conduct of the assessments required under section 438 and the implementation of the improvements deemed necessary as a result of such assessments, and the child and family services reviews required under section 1123A (including the development and implementation of a statewide assessment as part of the conformity reviews and corrective action plans required under that section).''.

TITLE II—OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS

SEC. 201. OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS.

Section 438 of the Social Security Act (42 U.S.C. 629h), as amended by section 103, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) OUTCOME PERFORMANCE STANDARDS FOR ABUSE AND NEGLECT COURTS.—

''(1) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—In addition to any other funds paid to a highest State court under this section for fiscal year 2006, the Secretary shall award grants to highest State courts for the purpose of developing and implementing outcome performance standards for State abuse and neglect courts in order to achieve the goals of the programs authorized under this part, part E, and the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115).

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—A highest State court that receives a grant under this subsection shall use funds provided under the grant to develop and implement outcome performance standards and measurements for State abuse and neglect courts with respect to the following areas:

''(I) Safety.

''(II) Permanency.

''(III) Due Process.

''(IV) Timeliness.

''(ii) RECOMMENDED STANDARDS.—Outcome performance standards and measurements developed and implemented with funds provided under a grant made under this subsection shall be reasonably in accord with recommended standards and measurements for the areas described in subclauses (I) through (IV) of clause (ii) issued by national organizations concerned with such standards and measurements.

''(2) APPLICATIONS.—In order to be eligible for a grant under this subsection, a highest State court shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary shall require.

''(3) ALLOTMENTS.—

''(A) IN GENERAL.—Each highest State court which has an application approved under paragraph (2) shall be entitled to payment for a fiscal year specified in paragraph (1) from the amount appropriated pursuant to paragraph (4) for a fiscal year of an amount equal to the sum of $85,000 plus the amount described in subparagraph (B) for the fiscal year.

''(B) FORMULA.—The amount described in this subparagraph for any fiscal year is the amount that bears the same ratio to the amount appropriated pursuant to paragraph (4) for a fiscal year (reduced by the dollar amount specified in subparagraph (A) for the fiscal year) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States with highest State courts that have approved applications under paragraph (2).

''(4) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2006, $10,000,000 for making grants under this subsection.''.

TITLE III—COURT MODEL STANDARDS

SEC. 301. STANDARDS, TRAINING, AND TECHNICAL ASSISTANCE FOR ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 102(b), is amended—

(1) in paragraph (25), by striking ''and'' at the end;

(2) in paragraph (26), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(27) provides that, not later than January 1, 2009, the State shall develop and encourage the implementation of practice standards for all attorneys representing the State or local agency administering the program under this part, including standards regarding the interaction of such attorneys with other attorneys who practice before an abuse and neglect court.''.

SEC. 302. LOAN FORGIVENESS FOR ATTORNEYS WHO REPRESENT LOW-INCOME FAMILIES OR INDIVIDUALS INVOLVED IN THE FAMILY OR DOMESTIC RELATIONS COURT SYSTEM.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage attorneys to enter the field of family law, juvenile law, or domestic relations law;

(2) to increase the number of attorneys who will represent low-income families and individuals, and who are trained and educated in such field; and

(3) to keep more highly trained family law, juvenile law, and domestic relations attorneys in those fields of law for longer periods of time.

(b) LOAN FORGIVENESS FOR FAMILY OR DOMESTIC RELATIONS ATTORNEYS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

''SEC. 428L. LOAN FORGIVENESS FOR FAMILY LAW, JUVENILE LAW, AND DOMESTIC RELATIONS ATTORNEYS WHO WORK IN THE DEFENSE OF LOW-INCOME FAMILIES, INDIVIDUALS, OR CHILDREN.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE LOAN.—The term 'eligible loan' means a loan made, insured, or guaranteed under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for attendance at a law school.

''(2) FAMILY LAW OR DOMESTIC RELATIONS ATTORNEY.—The term 'family law or domestic relations attorney' means an attorney who works in the field of family law or domestic relations, including juvenile justice, truancy, child abuse or neglect, adoption, domestic relations, child support, paternity, and other areas which fall under the field of family law or domestic relations law as determined by State law.

''(3) HIGHLY QUALIFIED ATTORNEY.—The term 'highly qualified attorney' means an attorney who has at least 2 consecutive years of experience in the field of family or domestic relations law serving as a representative of low-income families or minors.

''(b) DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay eligible loans for any new borrower after the date of enactment of this section who—

''(A) obtains a Juris Doctorate (JD) and takes not less than 1 law school class in family law, juvenile law, domestic relations law, or a class that the Secretary finds equivalent to any such class pursuant to regulations prescribed by the Secretary; and

''(B) has worked fulltime for a State or local government entity, or a nonprofit private entity, as a family law or domestic relations attorney on behalf of low-income individuals in the family or domestic relations court system for 2 consecutive years immediately preceding the year for which the determination was made.

''(2) AWARD BASIS.—Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(3) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

''(c) LOAN REPAYMENT.—

''(1) IN GENERAL.—For each eligible individual selected for the demonstration program under subsection (b), the Secretary shall assume the obligation to repay—

''(A) after the third consecutive year of employment described in subparagraph (B) of subsection (b)(1), 20 percent of the total amount of all eligible loans;

''(B) after the fourth consecutive year of such employment, 30 percent of the total amount of all eligible loans; and

''(C) after the fifth consecutive year of such employment, 50 percent of the total amount of all eligible loans.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan made under this part or part D.

''(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan that accrues for such year shall be repaid by the Secretary.

''(4) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit

under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of eligible loans which are subject to repayment pursuant to this section for such year.

''(e) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

''(f) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of family and domestic relations law.

''(2) COMPETITIVE BASIS.—The grant or contract described in this subsection shall be awarded on a competitive basis.

''(3) CONTENTS.—The evaluation described in this subsection shall determine whether the loan forgiveness program assisted under this section—

''(A) has increased the number of highly qualified attorneys;

''(B) has contributed to increased time on the job for family law or domestic relations attorneys, as measured by—

''(i) the length of time family law or domestic relations attorneys receiving loan forgiveness under this section have worked in the family law or domestic relations field; and

''(ii) the length of time family law or domestic relations attorneys continue to work in such field after the attorneys meet the requirements for loan forgiveness under this section;

''(C) has increased the experience and the quality of family law or domestic relations attorneys; and

''(D) has contributed to better family outcomes, as determined after consultation with the Secretary of Health and Human Services and the Attorney General.

''(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this section as the Secretary determines appropriate, and shall prepare and submit a final report regarding the evaluation by September 30, 2010.

''(g) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006, and such sums as are necessary for each of the 4 succeeding fiscal years.''.

SEC. 303. LOAN FORGIVENESS TO SOCIAL WORKERS WHO WORK FOR CHILD PROTECTIVE AGENCIES.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078–11) the following:

''SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to bring more highly trained individuals into the child welfare profession; and

''(2) to keep more highly trained child welfare workers in the child welfare field for longer periods of time.

''(b) DEFINITIONS.—In this section:

''(1) CHILD WELFARE SERVICES.—The term 'child welfare services' has the meaning given the term in section 425 of the Social Security Act.

''(2) CHILD WELFARE AGENCY.—The term 'child welfare agency' means the State agency responsible for administering subpart 1 of part B of title IV of the Social Security Act and any public or private agency under contract with the State agency to provide child welfare services.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

''(4) STATE.—The term 'State' has the meaning given the term in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe.

''(c) DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part or part D (excluding loans made under sections 428B and 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section, who—

''(A) obtains a bachelor's or master's degree in social work;

''(B) obtains employment in public or private child welfare services; and

''(C) has worked full time as a social worker for 2 consecutive years preceding the year for which the determination is made.

''(2) AWARD BASIS; PRIORITY.—

''(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

''(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

''(3) OUTREACH.—The Secretary shall post a notice on a Department Internet Web site regarding the availability of loan repayment under this section, and shall notify institutions of higher education regarding the availability of loan repayment under this section.

''(4) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

''(d) LOAN REPAYMENT.—

''(1) IN GENERAL.—For each eligible individual selected for the demonstration program under subsection (c), the Secretary shall assume the obligation to repay—

''(A) after the third consecutive year of employment described in subsection (c)(1)(C), 20 percent of the total amount of all loans made under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section;

''(B) after the fourth consecutive year of such employment, 30 percent of the total amount of such loans; and

''(C) after the fifth consecutive year of such employment, 50 percent of the total amount of such loans.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

''(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

''(4) SPECIAL RULE.—In the case of a student borrower not participating in loan repayment pursuant to this section who returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree described in subsection (c)(1)(A), the Secretary may assume the obligation to repay the total amount of loans made under this part or part D incurred for returning to an institution of higher education for the purpose of obtaining such a degree for a maximum of 2 academic years. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

''(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(e) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans that are subject to repayment pursuant to this section for such year.

''(f) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

''(g) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of child welfare services.

''(2) COMPETITIVE BASIS.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

''(3) CONTENTS.—The evaluation described in this subsection shall determine—

''(A) whether the loan forgiveness program has increased child welfare workers' education in the areas covered by loan forgiveness;

''(B) whether the loan forgiveness program has contributed to increased time on the job for child welfare workers as measured by—

''(i) the length of time child welfare workers receiving loan forgiveness have worked in the child welfare field; and

''(ii) the length of time such workers continue to work in such field after the workers meet the requirements for loan forgiveness under this section; and

''(C) whether the loan forgiveness program has increased the experience and quality of child welfare workers and has contributed to increased performance in the outcomes of child welfare services in terms of child well-being, permanency, and safety, as determined after consultation with the Secretary of Health and Human Services.

''(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2010.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 304. REAUTHORIZATION OF COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAMS AND INCREASED FUNDING FOR EXPANSION IN RURAL AND UNDERSERVED URBAN AREAS.

(a) IN GENERAL.—Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended by striking ''$12,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$17,000,000 for each of fiscal years 2006 through 2010''.

(b) GRANTS FOR EXPANSION IN RURAL AND UNDERSERVED URBAN AREAS.—Section 217(c)(3) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013(c)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following:

''(B) Of the amount appropriated for each of fiscal years 2006 through 2010 to carry out this subtitle, the Administrator shall use not less than $5,000,000 of such amount to make grants for the purpose of developing or expanding court-appointed special advocate programs in rural and underserved urban areas.''.

TITLE IV—CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS

SEC. 401. CLARIFICATION ON STATE FLEXIBILITY FOR PUBLIC ACCESS TO COURTS.

Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in paragraph (8) of subsection (a), by inserting ''subject to subsection (c),'' after ''(8)''; and

(2) by adding at the end the following:

''(c) Nothing in paragraph (8) of subsection (a) shall be construed to limit the flexibility of a State to determine State policies relating to the public access to court proceedings to determine child abuse or neglect or other court hearings held pursuant to requirements under this part or part B, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.''.

TITLE V—COURT LEADERSHIP

SEC. 501. SENSE OF THE SENATE REGARDING STATE COURT LEADERSHIP.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Chief Justice for each State and other State court leadership should take the lead in providing for the health, safety, and permanency of children before State abuse and neglect courts through measures such as the following:

(1) Establishing an office on children before State abuse and neglect courts within the State administrative office of the courts.

(2) Organizing State courts so that abuse and neglect cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues, where feasible.

(3) Actively promoting—

(A) resource, workload, and training standards for abuse and neglect court judges, attorneys, and other court personnel;

(B) standards of practice for abuse and neglect court judges; and

(C) codes of judicial conduct that support the practices of problem-solving courts such as abuse and neglect courts.

(4) Establishing State court procedures that enable and encourage judges who have demonstrated competence in proceedings before State abuse and neglect courts to build careers on serving on such courts.

(b) DEFINITION OF ABUSE AND NEGLECT COURT.—In this section, the term ''abuse and neglect court'' has the meaning given that term in section 475(8) of the Social Security Act (as added by section 101(d)).

TITLE VI—SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN

SEC. 601. SENSE OF CONGRESS.

(a) FINDING.—Congress finds that the Interstate Compact on the Placement of Children (ICPC) was drafted more than 40 years ago, is outdated, and is a barrier to the timely placement of children across State lines.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the States should expeditiously revise the ICPC to better serve the interests of children and reduce unnecessary work, and that the revision should include—

(1) limiting its applicability to children in foster care under the responsibility of a State, except those seeking placement in a licensed residential facility primarily to access clinical mental health services; and

(2) providing for deadlines for the completion and approval of home studies as set forth in the amendments made by section 603.

SEC. 602. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 301, is amended—

(1) by striking ''and'' at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting ''; and''; and

(3) by adding at the end the following:

''(26) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children, and procedures implemented in accordance with an interstate compact approved by the Secretary, if incorporating with the procedures prescribed by paragraph (27), shall be considered to satisfy the requirement of this paragraph.''.

SEC. 603. HOME STUDIES.

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 602, is amended—

(A) by striking ''and'' at the end of paragraph (25);

(B) by striking the period at the end of paragraph (26) and inserting ''; and''; and

(C) by adding at the end the following:

''(27) provides that—

''(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the appropriateness of placing a child in the home, the State shall, directly or by contract—

''(I) conduct and complete the study; and

''(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and

''(ii) in the case of a home study begun on or before September 30, 2007, if the State fails to comply with clause (i) within the 60-day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that

''(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

''(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

''(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A).''.

(2) SENSE OF CONGRESS.—It is the sense of Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(27) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

''SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

''(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

''(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

''(1) the State has a plan approved under this part for the fiscal year;

''(2) the State is in compliance with subsection (c) for the fiscal year; and

''(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

''(c) DATA REQUIREMENTS.—

''(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

''(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State and, with respect to each such study, the identity of the other State involved; and

''(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States and, with respect to each such study, the identity of the other State involved.

''(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

''(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be $1,500 multiplied by the number of timely interstate home studies attributed to the State under

this section during the fiscal year, subject to paragraph (2).

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

''(A) the total of the amounts so made available (as so reduced); divided by

''(B) the total of such otherwise payable incentive payments.

''(3) APPROPRIATIONS AVAILABLE FOR UNPAID INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—

''(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

''(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

''(i) the total of the amounts so made available; divided by

''(ii) the total of such otherwise payable payments.

''(e) TWO-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

''(g) DEFINITIONS.—In this section:

''(1) HOME STUDY.—The term 'home study' means a study of a home environment, conducted in accordance with applicable requirements of the State in which the home is located, for the purpose of assessing whether placement of a child in the home would be appropriate for the child.

''(2) INTERSTATE HOME STUDY.—The term 'interstate home study' means a home study conducted by a State at the request of another State, to facilitate an adoptive or relative placement in the State.

''(3) TIMELY INTERSTATE HOME STUDY.—The term 'timely interstate home study' means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary, $10,000,000 for each of fiscal years 2006 through 2009.—

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.''.

(c) REPEALER.—Effective October 1, 2009, section 473B of the Social Security Act is repealed.

SEC. 604. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK CHILD ABUSE REGISTRIES; GRANDFATHER OF OPT-OUT ELECTION; LIMITED NONAPPLICATION.

Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i)—

(i) by striking ''unless an election provided for in subparagraph (B) is made with respect to the State'' and inserting ''except as provided in clause (iii)'';

(ii) by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child'';

(B) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(C) by striking ''and'' at the end of clause (ii); and

(D) by adding at the end the following:

''(iii) clauses (i) and (ii) shall not apply to the State if—

''(I) the State elected on or before September 30, 2005, to make this subparagraph (as in effect on or before such date) inapplicable to the State; or

''(II) a record check conducted in accordance with clause (i) or (ii) which reveals a felony conviction or crime described in such clause and is the basis for denying a placement would conflict with a requirement of State's constitution; and'';

(2) by striking subparagraph (B) and inserting the following:

''(B) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State;

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases; and

''(iv) not deny a placement on the basis of information determined as a result of a check conducted in accordance with clause (i) or (ii) if denying a placement on such basis would conflict with a requirement of a State's constitution;''.

SEC. 605. COURTS ALLOWED ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE TO LOCATE PARENTS IN FOSTER CARE OR ADOPTIVE PLACEMENT CASES.

Section 453(c) of the Social Security Act (42 U.S.C. 653(c)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any court which has authority with respect to the placement of a child in foster care or for adoption, but only for the purpose of locating a parent of the child.''.

SEC. 606. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''or of the State in which the child has been placed'' and inserting ''of the State in which the child has been placed, or of a private agency under contract with either such State''.

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''12'' and inserting ''6''.

SEC. 607. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by striking ''To the extent available and accessible, the'' and inserting ''The''; and

(B) by inserting ''the most recent information available regarding'' after ''including''; and

(2) in paragraph (5)(D)—

(A) by inserting ''a copy of the record is'' before ''supplied''; and

(B) by inserting '', and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law'' before the semicolon.

SEC. 608. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking ''an opportunity'' and inserting ''a right'';

(2) by striking ''and opportunity'' and inserting ''and right''; and

(3) by striking ''review or hearing'' each place it appears and inserting ''proceeding''.

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting ''shall have in effect a rule requiring State courts to ensure that foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and'' after ''highest State court''.

SEC. 609. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 629h(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (C); and

(2) by adding at the end the following:

''(E) that determine the best strategy to use to expedite the interstate placement of children, including—

''(i) requiring courts in different States to cooperate in the sharing of information;

''(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

''(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and''.

SEC. 610. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting ''(including, if appropriate, through an interstate placement)'' after ''accordance with the permanency plan''.

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting '', which considers in-State and out-of-State permanent placement options for the child,'' before ''shall''.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting '', including identifying appropriate out-of-State relatives and placements'' before ''may''.

SEC. 611. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting ''to facilitate orderly and timely in-State and interstate placements'' before the period.

SEC. 612. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting '', in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options,'' after ''living arrangement''; and

(2) by inserting ''the hearing shall determine'' before ''whether the''.

SEC. 613. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking ''develop plans for the'' and inserting ''make'';

(2) by inserting ''(including through contracts for the purchase of services)'' after ''resources''; and

(3) by inserting '', and shall eliminate legal barriers,'' before ''to facilitate''.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2005, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the 1st regular session of the State legislature that begins after the date of enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Mr. ROCKEFELLER. Mr. President, I am proud to join my friend and colleague, Senator MIKE DEWINE in introducing new legislation to promote better cooperation and collaboration between the courts and State agencies serving abused and neglected children. Our bill also seeks to improve the process for children to be adopted between two States, and gain a safe, permanent home that is one of the priorities established in the 1997 Adoption and Safe Families Act. Our bill is named Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005, WE CARE, Kids.

Senator DEWINE and I have worked for years in bipartisan coalition to improve services and policies for our most vulnerable children, nearly 500,000 children who are in the foster care system. These children deserve our attention and our compassion. Through no fault of their own, such children are placed in foster care for their safety. They need to be safe, but they also need prompt and good decisions made for their long-term future and stability. Whenever possible, we should invest to help restore the family and reunite the children with their families if we know that they will be safe. In some cases, legal guardianship or adoption are the best options for the child. It is essential to make good decisions in a timely manner for such children. The social services agencies and the courts truly must work together on such cases.

Recently the bipartisan Pew Commission on Children in Foster Care issued a thoughtful report with recommendations on how to strengthen the courts serving children in foster care. The Commission was led by former Congressman Bill Frenzel and co-chaired by former Congressman Bill Gray. It includes a wide range of leaders and experts. The commission did a careful review of the role of the courts in serving children in foster care, and it issued a series of recommendations. We are grateful for this report and relied on many of their recommendations in crafting this legislation. As always, we hope to forge bipartisan consensus on ways to move this bill forward.

The legislation also includes a provision to promote inter-state adoptions. With modern technology, caring families from one State may learn of a child in a foster care system in another State who is seeking adoption. When this happens, we need to be careful and thorough in accessing information to ensure the right placement. But we also must be sure that bureaucratic paperwork does not unnecessarily delay an adoption.

In West Virginia, there are about 80 children in our State foster care system ready for adoption; nationwide 118,000 children are in foster care and waiting for a safe permanent home. The wake of Hurricane Katrina and the Meth Epidemic in regions of our country, tragically could make these numbers increase. We must improve our system to do the best we can for these vulnerable children. Passing the WE CARE, Kids Act could be an important step forward.

By Mr. CORNYN:

S. 1680. A bill to reform the issuance of national security letters; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, it has been nearly 4 years since the terrorist attacks of September 11, 2001. In the days, weeks, and months since that day, the American people have braced themselves for the possibility of another terrorist attack on our homeland. After all, we know all too well that al Qaeda is a stealthy, sophisticated, and patient enemy, and that its leadership is extremely motivated to launch another devastating attack on American citizens and American soil.

In fact, outside the United States, al Qaeda and affiliates of al Qaeda have continued to be remarkably active, responsible for numerous terrorist attacks over the last few years, spanning the globe from Pakistan to Bali to Spain to London.

It is precisely because al Qaeda is so aggressive, so motivated, and so demonstrably hostile to America that I am so grateful that, to date, al Qaeda still has not successfully launched another terrorist attack on our soil. There are undoubtedly many reasons for this. First and foremost, I am profoundly thankful to the brave men and women of our Armed Forces, who fight the terrorists abroad so that we do not have to face them at home. I also firmly believe that our efforts to strengthen anti-terrorism and law enforcement tools right here at home have much to do with this record of success and peace in our homeland to date.

The war on terrorism must be fought aggressively—but consistent with the protection of civil rights and civil liberties. Whenever real civil liberties problems do arise, we must learn about them right away, so that we can fix them swiftly.

Last year, Federal judge struck down a portion of the Electronic Communications Privacy Act of 1986. This law balanced the national interest in protecting electronic communications privacy against the legitimate needs of national security, by establishing a procedure for obtaining electronic communications records in certain national security investigations through the use of so-called ''national security letters.'' The USA PATRIOT Act amended the law to make clear that such letters could be issued in terrorism investigations as well.

This provision was passed by the Senate on a voice vote, and shortly thereafter it passed the House by unanimous consent.

The primary reason the court struck down this provision was that the right to judicial review was not expressly written into the text of the law. It is important to note that the ability to scrutinize the issuance of national security letters was not actually disputed by the government. To the contrary, the Justice Department agreed that there should be judicial review. The court simply concluded that the 1986 law was not drafted with sufficient clarity to authorize such review.

I have previously introduced legislation to remedy the defects noted by the District Judge. That legislation amended the Electronic Communications Privacy Act to make explicit the

availability of judicial review to examine national security letters. However, national security letters are also available outside the Title 18 context. For instance, Title 15 allows the government to obtain consumer information maintained by consumer reporting agencies; Title 12 allows the government to obtain the financial records maintained by financial institutions; and Title 50 allows the government to obtain records about persons with access to classified information who may have disclosed classified information to a foreign power.

It is important to make sure that the right to judicial review is statutorily available in all national security letter contexts. The bill I am introducing today expressly authorizes a recipient to challenge any national security letter in court. It also: details the procedure the government must follow to substantiate its use of a national security letter; allows the government to present classified information to the court so that it can properly evaluate the challenge; and specifies that a recipient of a national security letter may consult with legal counsel about its obligations.

I hope that this legislation will be enacted in the same bipartisan spirit that put both the Electronic Communications Privacy Act and the USA PATRIOT Act on the books.

By Mr. OBAMA (for himself, Mr. BAYH, Mr. HARKIN, Mr. LEVIN, Mr. CORZINE, Mr. FEINGOLD, Mr. BINGAMAN, Mr. KENNEDY, Mrs. MURRAY, and Mr. SALAZAR):

S. 1685. A bill to ensure the evacuation of individuals with special needs in times of emergency; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. Mr. President, one of the most striking things about the devastation caused by Hurricane Katrina is that the majority of stranded victims were our society's most vulnerable members—low-income families, the elderly, the homeless, the disabled. Many did not own cars. Many believed themselves unable to flee the city, unable to forego the income from missed work, unable to incur the expenses of travel, food and lodging. Some may have misunderstood the severity of the warnings, if they heard the warnings at all. Some may have needed help that was unavailable. Whatever the reason, they were not evacuated and we have seen the horrific results.

This failure to evacuate so many of the most desperate citizens of the Gulf Coast leads me to introduce today a bill to require states and the nation to consider the needs of our neediest citizens in times of emergency.

It appears that certain assumptions were made in planning and preparing for the worst case scenario in the Gulf Coast. After all, most of those who could afford to evacuate managed to do so. They drove out of town and checked into hotels or stayed with friends and family. But what about the thousands of people left behind because they had special needs?

How many of us will forget the tragedy that occurred at St. Rita's Nursing Home in St. Bernard Parish, LA, where an estimated 32 of the 60 residents perished in the rising floodwaters in the aftermath of Hurricane Katrina?

Our charge as public servants is to worry about all of the people. I am troubled that our emergency response and disaster plans were inadequate for large segments of the Gulf Coast population. I wonder whether the plans in other regions are adequate. Perfect evacuation planning is obviously impractical, but greater advance preparation can ensure that the most vulnerable are not simply forgotten or ignored.

That's why the bill I am introducing today, along with co-sponsors Senators BAYH, MURRAY, HARKIN, LEVIN, CORZINE, FEINGOLD, BINGAMAN and KENNEDY, requires the Secretary of the Department of Homeland Security to mandate each State to include plans for the evacuation of individuals with special needs during times of emergency. Such plans should not only include an explanation of how these people—low income individuals and families, the elderly, the disabled, those who cannot speak English—will be evacuated out of the emergency area and how the states will provide shelter, food, and water, to these people once evacuated.

Communities with special needs may be more challenging to accommodate, but they are every bit as important to protect and serve in the event of an emergency.

What we saw in the Gulf Coast cannot be repeated. We may not be able to control the wrath of Mother Nature, but we can control how we prepare for natural disasters.

I hope my colleagues will join me in supporting this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1691. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1692. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1693. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1694. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

Sec. 522. (a) There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, $5,000,000,000 for interoperable communications equipment grants under State and local programs administered by the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security.

(b) The amount under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after ''Service,'' insert ''$1,000,000 shall be for the costs of the predesign, schematic, and design development phases of a shared-use facility for the University of Miami and the National Oceanic and Atmospheric Administration to be located in Virginia Key, and'':